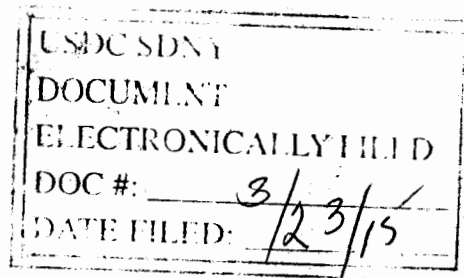




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March 20, 2015



BY FACSIMILE (212) 805-6382

Honorable Victor Marrero
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: **Capgemini U.S. LLC v. JC Fodale Energy Services, LLC, 14 CV 9102**
(VM)

Dear Judge Marrero:

We represent plaintiffs Capgemini U.S. LLC and Capgemini Technologies LLC ("Plaintiffs" or "Capgemini") in this action against defendant JC Fodale Energy Services LLC ("Defendant" or "JC Fodale") (collectively, the "Parties"). Pursuant to the Minute Entry for proceedings held before Your Honor on March 6, 2015, wherein the Court directed the Parties to report by March 20, 2015 the status of settlement discussions and whether they need additional time or assistance of a Magistrate Judge or mediator, Capgemini hereby submits this letter setting forth its position that the case should proceed.

This is a straight forward breach of contract action commenced back on November 14, 2014. Plaintiffs made their first settlement proposal on October 24, 2014, and the Parties have engaged in settlement discussions for nearly five months. The Parties continued to discuss settlement following the conference on March 6, 2014 and were unable to reach resolution. Without getting into details or attributing fault, Capgemini respectfully submits that, despite five months of negotiations, the Parties are extremely far apart, with no resolution in sight.


Capgemini respectfully submits that mediation with a Magistrate Judge (or other mediator) at this juncture, before fact discovery, would not be a productive use of such Magistrate Judge's valuable time, resources and energy, or that of the Parties. Thus, Capgemini respectfully requests that the Court reschedule the Initial Conference, and/or enter the Joint Civil Case Management Plan and Scheduling Order prepared by the Parties and submitted at the conference on March 6, 2015 (copy annexed), with the dates extended by two weeks in order to move this case along.

(N0411367: 1)


Honorable Victor Marrero
March 20, 2015
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In the alternative that Your Honor refers this dispute to a Magistrate Judge for mediation at this early stage prior to any discovery -- and for the reasons set forth above Capgemini respectfully submits that it should not -- Capgemini respectfully requests that the litigation continue to simultaneously proceed and/or that Defendant be directed to post a bond or deposit amounts in escrow sufficient to satisfy a judgment in this action, so that Capgemini can be assured that any potential judgment amount is recoverable after any delay in proceedings due to mediation.

Respectfully submitted,


/s/ Gerald D. Silver
Gerald D. Silver
Direct line: 212-660-3096
gerry.silver@sandw.com

cc: Bill Katz (By E-mail)

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by	
<u>Plaintiffs</u>	
SO ORDERED.	
<u>3-23-15</u>	
DATE	VICTOR MARRERO, U.S.D.J.